



# Howard County Government

## CB17-2015

### Primary Information

**Title:** AN ACT requiring that healthy food and beverage options be provided on certain County properties and for certain county programs, under certain conditions; establishing standards for healthy food and beverages in connection with these requirements; providing exemptions for these requirements; establishing certain requirements on placement, pricing, advertising and marketing of food and beverages in relation to these requirements; establishing certain duties for the Office of Purchasing in relation to these requirements; and generally relating to healthy food and beverages.

**Short Title:** Healthy Food and Beverage Options

**Category:** General

**Primary Sponsors:** Calvin Ball

**Secondary Sponsors:**

**Status:** Passed as Amended

**Date Signed:** 7/31/2015

**Date Enacted:** 9/30/2015

**Date Vetoed:** 7/13/2015

**Date Veto Overridden:** 7/31/2015

### Amendments

#### Amendment 1

**Amendment Date:** 07/06/2015

**Legislative Day:** 8

**Comments:** (This amendment would do the following:

1. Delete the definition of "Food or beverage concession" and "Youth Oriented Government Facility";
2. Create a definition for "Packaged";
3. Alter the definition of "Healthy food or beverage" and "Youth-Oriented County Government Program";
4. Change the requirements for Food and Beverages on County Property;
5. Change the requirements in the Howard County Healthy Food and Beverage Standards;
6. Alter the Exemptions section;
7. Delete the Pricing

## Amendment\_\_1\_\_ to Council Bill 17-2015

**BY:** Calvin Ball Legislative Day No: 8



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Date: July 6, 2015

Amendment No. 1

*(This amendment would do the following:*

- 1. Delete the definition of “Food or beverage concession” and “Youth Oriented Government Facility”;*
- 2. Create a definition for “Packaged”;*
- 3. Alter the definition of “Healthy food or beverage” and “Youth-Oriented County Government Program”;*
- 4. Change the requirements for Food and Beverages on County Property;*
- 5. Change the requirements in the Howard County Healthy Food and Beverage Standards;*
  - 6. Alter the Exemptions section;*
  - 7. Delete the Pricing provision;*
  - 8. Alter the Placement section;*
  - 9. Change the Contracts section;*
- 10. Change the Monitoring and Recommendations section; and*
- 11. Change the Enforcement and Compliance section).*

On the title page, in the fifth line of the title, after “placement”, strike “, pricing, advertising, and marketing” and in the sixth line of the title, strike “Office of Purchasing” and substitute “Department of the County Administration”.

On page 1, in line 24, after “Report”, insert “to the County Administration” and strike “states” and substitute “stated”.

On page 2, in line 16 strike “section” and substitute “subtitle”. On the same page, in line 23, after “System”, strike the remainder of the sentence through line 24.

On page 3, strike lines 1 – 17, in their entirety and substitute the following:

1. Healthy Food or Beverage Option means any packaged food or beverage that meets the Howard County Healthy Food and Beverage Standards as established in Section 12.1801 of this Subtitle.
2. Packaged means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. “Packaged” does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the



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purpose of facilitating food protection during service and receipt of the food by the consumer.

3. Youth-Oriented County Government Program means any county-sponsored program designed for youth participation without parental supervision, including before and after school programs, recreation programs, and day camps."

On page 3, beginning in line 19, strike the remainder of the page; and continue striking through line 11 on page 5, and substitute the following:

### **"Section 12.1801. Howard County Healthy Food and Beverage Standards.**

(a) Healthy beverage options shall contain no more than 40 calories per package except:

1. Milk, including non-fat, or low-fat milk, soy milk, rice milk or other similar dairy or nondairy milk with no more than 130 calories per 8 ounces packaged in containers no larger than 12 ounces;
2. packages of 8 ounces or less of 100% fruit or vegetable juice or fruit juice combined with water, with no added caloric sweeteners, and no more than 140 mg of sodium per package.
3. Water with no added caloric or non-caloric sweeteners must be sold as part of the total beverage offerings in any beverage vending machine on County property.
4. Diet drinks with non-caloric sweeteners shall constitute no more than one-third of the total beverage offerings in a vending machine on County Property.
5. Healthy Food Options shall meet the following standards:
6. Contain no trans-fat (0.5 g or less per serving);
7. Contain no more than two-hundred calories per package;
8. Contain less than thirty-five percent of calories from fat;
9. Contain less than ten percent of calories from saturated fat;
10. Contain no more than thirty-five percent of calories from total sugars, except for low fat (1% or 2%) or nonfat dairy or nondairy milk products, and fruits or vegetables; and
11. Contain no more than two-hundred mg of sodium per package.

### **Section 12.1802. Food and Beverages on County Property**

1. All packaged food or beverage items, served or sold as part of youth- oriented County Government programs, shall be Healthy Food or Beverage Options.
2. On all County Property, at least seventy-five percent of the packaged food and beverage options offered in vending machines shall be Healthy Food or Beverage Options."

On page 5, in line 14, strike "following are exempt from the". And in the same line, after "subtitle" insert "do not apply to the following".

On page 5, in line 17, strike "except that the County shall ensure that plain drinking water is available to patrons for free upon request at these events". And on the same page, in line 21, strike "or in youth-oriented county facilities".



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On page 6, strike lines 1 through 13, and substitute the following:

**“Section 12.1804. Packaged Food and Beverage Placement.**

1. “All healthy food or beverages offered for sale in vending machines on County Property must be displayed in ways that are easily visible and distinguishable from less-healthy items.
2. Healthy Food and Beverage Options shall comprise at least half of each row of display space in vending machines on County Property so that healthy options are easily visible at every level.”.

On page 6, strike lines 16 through 20, and substitute:

“(a) In the absence of any existing binding contract or agreement, all packaged food and beverages offered for sale in vending machines on county property or served or sold as part of youth-oriented County Government programs, shall comply with this Subtitle.”.

On the same page, in line 22, strike “business” and substitute “entity”.

On page 6, beginning in line 26, strike the remainder of the page; and continue striking through line 17 on page 7, and substitute the following:

**“Section 12.1806. Monitoring and Recommendations.**

1. The Department of County Administration shall review the Howard County Healthy Food and Beverage Standards and submit a Biennial report (from the date of implementation) to the County Executive, the County Council and the County Board of Health.
2. The Biennial report shall review the Howard County Healthy Food and Beverage Standards and make recommendations on the best practice nutrition standards for packaged food and beverages offered for sale in vending machines on county property or served or sold as part of youth-oriented County Government programs and may:
  - i. Develop a healthy food and beverage guide to support compliance;
  - ii. Maintain a list of products that meet the Howard County Healthy Food and Beverage Standards as established in Section 12.1801; and
  - iii. Report on the top selling packaged food and beverages sold by quarter, as well as, total revenues per machine over time.”.

On page 7, in line 19, immediately following “Enforcement” insert “and Compliance”. On the same page in line 20, strike “Office of Purchasing” and substitute “Department of County Administration”.

On page 7, beginning in line 22, strike the remainder of the page; and continue striking through line 9 on page 8.

On page 8, in line 11, strike “Office of Purchasing” and substitute “Department of County Administration”. On the same page, in line 12, strike “random and”. Also on the same page, in lines 15 and 16, strike “removal of food or beverage concessions or”. Renumber the section accordingly.



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### Motions on Amendment

#### Motion to Approve

**Motion Date:** 7/6/2015

**Final Action:** Passed as Amended

**Moved By :** Calvin Ball

**Seconded By :** Jon Weinstein

Name	District	Vote
Jon Weinstein	1	Yes
Calvin Ball	2	Yes
Jen Terrasa	3	No
Mary Kay Sigaty	4	Yes
Greg Fox	5	No



# Howard County Government

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### Amendment 2

**Amendment Date:** 07/06/2015

**Legislative Day:** 8

**Comments:** (This amendment would create a new definition for potable water).

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## Amendment\_\_2\_\_ to Council Bill 17-2015

**BY:** Jennifer Terrasa Legislative Day No: 8

**Date:** July 6, 2015

**Amendment No.** 2

*(This amendment would create a new definition for potable water).*

On page 3, immediately following line 7, insert the following

1. “Potable Water means plain, still, non-carbonated, water that is supplied through either permanent or temporary sources, including but not limited to water coolers, hydration stations, portable water stations, water buffaloes, water carriers, water jugs or water pitchers.”.

Renumber the remainder of the section.

On page 4, in line 7, strike “Water” and substitute “Potable water”. On the same page in line 8, strike “packaged”.

On page 5, in line 18, strike “Water” and substitute “Potable water”.



# Howard County Government

## CB17-2015

### Amendment 1 to Amendment 1

**Amendment Date:** 07/06/2015

**Legislative Day:** 8

**Comments:** This amendment corrects a drafting error and reinstates the exception for nuts and seeds to the less than 35 percent fat requirement for healthy foods

On page 3, in line 9, immediately following “fat”, insert “, except for food containing one-hundred percent nuts or seeds”.

### Motions on Amendment

#### Motion to Approve

**Motion Date:** 7/6/2015

**Final Action:** Passed

**Moved By :** Calvin Ball

**Seconded By :** Jon Weinstein

Name	District	Vote
Jon Weinstein	1	Yes
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes

### Motions/Votes On Legislation

#### Motion to Table

**Motion Date:** 6/1/2015

**Final Action:** Tabled

**Moved By :** Calvin Ball

**Seconded By :** Jon Weinstein

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes



# Howard County Government

## CB17-2015

### Motion to Remove From Table

**Motion Date:** 7/6/2015

**Final Action:** Removed from Table

**Moved By :** Mary Kay Sigaty

**Seconded By :** Jon Weinstein

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	No
Jon Weinstein	1	Yes

### Motion to Approve

**Motion Date:** 7/6/2015

**Final Action:** Passed as Amended

**Moved By :** Calvin Ball

**Seconded By :** Mary Kay Sigaty

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	No
Jon Weinstein	1	Yes

### Motion to Table

**Motion Date:** 7/6/2015

**Final Action:** Failed

**Moved By :** Greg Fox

**Seconded By :** No second to the motion





# Howard County Government

## CB17-2015

### Motion to Override Veto

**Motion Date:** 7/31/2015

**Final Action:** Passed

**Moved By :** Not Applicable

**Seconded By :** No second to the motion

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	No
Jon Weinstein	1	Yes

### Documents

[Amendment 1 to Amendment 1](#) - Amendments

[Amendment 1](#) - Amendments

[Amendment 2](#) - Amendments

[Testimony - Baker](#) - Supporting Documents

[Testimony - Barry](#) - Supporting Documents

[HC Times Article 6-4-15](#) - Supporting Documents

[HC Times Article 4-23-15](#) - Supporting Documents

[HC Times Article 5-19-15](#) - Supporting Documents

[CB17-2015](#) - As Introduced

[CB17-2015](#) - Final (Amended)

[CB17-2015public\\_bill1](#) - Supporting Documents



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[CB17-2015public\\_bill2](#) - Supporting Documents

[CB17-2015public1](#) - Supporting Documents

[CB17-2015public2](#) - Supporting Documents

[CB17-2015public3](#) - Supporting Documents

[Veto Letter from the Executive](#) - Supporting Documents

[Testimony - Dittman](#) - Supporting Documents

[Testimony - Donaldson](#) - Supporting Documents

[Testimony - Duesterhaus](#) - Supporting Documents

[Testimony - DuSold](#) - Supporting Documents

[CB17-2015 Enrolled](#) - Supporting Documents

[Testimony - Hardy](#) - Supporting Documents

[Testimony - Healy](#) - Supporting Documents

[Testimony - Huehnergath](#) - Supporting Documents

[Testimony - Jacobson](#) - Supporting Documents

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[Testimony - Schneider Articles](#) - Supporting Documents

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[Testimony - Silver-Isenstadt](#) - Supporting Documents

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[Testimony - Taylor](#) - Supporting Documents

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[Testimony - Horizon Foundation](#) - Supporting Documents

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[Testimony - Hurewitz](#) - Supporting Documents

[Testimony - Kiddie Academy of EC](#) - Supporting Documents

[Testimony - McClarty](#) - Supporting Documents

[Testimony - MD Soft Drink Companies](#) - Supporting Documents

[Testimony - Meskin](#) - Supporting Documents

[Testimony - O'Neill-Gonzalez](#) - Supporting Documents

[Testimony - Response to Valentino from Horizon Foundation](#) - Supporting Documents

[Testimony - Robertson](#) - Supporting Documents

[Testimony - Saunders](#) - Supporting Documents

[Testimony - Sheldon](#) - Supporting Documents

[Testimony - St John the Evangelist Catholic Church](#) - Supporting Documents

[Testimony - Turner](#) - Supporting Documents



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[Testimony - Underwood](#) - Supporting Documents

[Testimony - Unitarian Universalist Congregation](#) - Supporting Documents

[Testimony - Valentino](#) - Supporting Documents

[Testimony - Williams](#) - Supporting Documents

[Testimony - Tucker](#) - Supporting Documents

[Testimony - Wasserman](#) - Supporting Documents

[Testimony - Woolridge](#) - Supporting Documents